

General Docket
United States Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 19-20828
Nature of Suit: 3440 Other Civil Rights
 Pool v. City of Houston
Appeal From: Southern District of Texas, Houston
Fee Status: Fee Paid

Docketed: 12/04/2019
Termed: 10/23/2020

Case Type Information:

- 1) Civil Rights
- 2) Private
- 3)

Originating Court Information:

District: 0541-4 : [4:19-CV-2236](#)
Originating Judge: Vanessa D. Gilmore, U.S. District Judge
Date Filed: 06/21/2019
Date NOA Filed: 12/03/2019

Date Rec'd COA:
 12/03/2019

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Related	19-20828	20-20328	06/23/2020	

Panel Assignment:

Panel: JEG GJC KDE
Date of Hearing: 10/07/2020 **Date of Decision:** 10/23/2020 **Date Completed:** 10/23/2020

Joe Richard Pool, III
 Plaintiff - Appellant

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Trenton Donn Pool
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 Plaintiff - Appellant

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v.

City of Houston
Defendant - Appellee

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Anna Russell, in her official capacity as the City Secretary of the
City of Houston
Defendant - Appellee

Collyn Ann Peddie
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Joe Richard Pool, III; Trenton Donn Pool; Accelebrate2020, L.L.C.,

Plaintiffs - Appellants

v.
City of Houston; Anna Russell, in her official capacity as the City Secretary of the City of Houston,

Defendants - Appellees


12/04/2019	<input type="checkbox"/> 	CIVIL RIGHTS CASE docketed. NOA filed by Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool [19-20828] (CAS) [Entered: 12/04/2019 01:27 PM]
12/09/2019	<input type="checkbox"/> 	INITIAL CASE CHECK by Attorney Advisor complete, Action: Case OK to Process. [9205983-2] Initial AA Check Due satisfied.. Transcript order due on 12/26/2019 for Appellants Accelebrate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool [19-20828] (DMS) [Entered: 12/09/2019 12:36 PM]
12/10/2019	<input type="checkbox"/> 	APPEARANCE FORM received from Ms. Collyn Ann Peddie for City of Houston and Ms. Anna Russell for the court's review. Lead Counsel? Yes. [19-20828] (Collyn Ann Peddie) [Entered: 12/10/2019 10:50 AM]
12/11/2019	<input type="checkbox"/>	APPEARANCE FORM FILED by Attorney Collyn Ann Peddie for Appellee Anna Russell in 19-20828, Attorney Collyn Ann Peddie for Appellee City of Houston in 19-20828 [19-20828] (DMS) [Entered: 12/11/2019 10:04 AM]
12/11/2019	<input type="checkbox"/> 	APPEARANCE FORM for the court's review. Lead Counsel? No. [19-20828] (Suzanne Reddell Chauvin) [Entered: 12/11/2019 03:58 PM]
12/11/2019	<input type="checkbox"/> 	APPEARANCE FORM received from Mr. Jerad Wayne Najvar, Esq. for Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool for the court's review. Lead Counsel? Yes. [19-20828] (Jerad Wayne Najvar) [Entered: 12/11/2019 04:44 PM]
12/11/2019	<input type="checkbox"/> 	TRANSCRIPT ORDER received from Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool advising transcript unnecessary as it is already filed. Transcript Order ddi satisfied [19-20828] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: TRANSCRIPT ORDER received from Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool advising transcript unnecessary as it is already filed. Date of Service: 12/11/2019 via email - Attorney for Appellant: Najvar; Attorney for Appellee: Peddie [19-20828] (Jerad Wayne Najvar) [Entered: 12/11/2019 04:47 PM]
12/12/2019	<input type="checkbox"/>	APPEARANCE FORM FILED by Attorney(s) Suzanne Reddell Chauvin for party(s) Appellee Anna Russell Appellee City of Houston, in case 19-20828 [19-20828] (DMS) [Entered: 12/12/2019 03:42 PM]
12/12/2019	<input type="checkbox"/>	APPEARANCE FORM FILED by Attorney Jerad Wayne Najvar for Appellant Accelebrate2020, L.L.C. in 19-20828, Attorney Jerad Wayne Najvar for Appellant Trenton Donn Pool in 19-20828, Attorney Jerad Wayne Najvar for Appellant Joe Richard Pool III in 19-20828 [19-20828] (DMS) [Entered: 12/12/2019 03:43 PM]
12/13/2019	<input type="checkbox"/>	ELECTRONIC RECORD ON APPEAL REQUESTED FROM DISTRICT COURT for 4:19-CV-2236. Electronic ROA due on 12/30/2019. [19-20828] (DMS) [Entered: 12/13/2019 10:13 AM]
12/20/2019	<input type="checkbox"/>	ELECTRONIC RECORD ON APPEAL FILED. Exhibits on File in District Court? No. Electronic ROA deadline satisfied. [19-20828] (DDL) [Entered: 12/20/2019 09:29 AM]
12/20/2019	<input type="checkbox"/> 	BRIEFING NOTICE ISSUED A/Pet's Brief Due on 01/29/2020 for Appellants Accelebrate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool. [19-20828] (DDL) [Entered: 12/20/2019 09:30 AM]
01/27/2020	<input type="checkbox"/> 	UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool for filing Brief of Appellants until 02/28/2020 [19-20828] (Jerad Wayne Najvar) [Entered: 01/27/2020 02:25 PM]
01/27/2020	<input type="checkbox"/>	EXTENSION RECEIVED for Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool. Extension Granted to and including 02/28/2020. A/Pet's Brief deadline updated to 02/28/2020 for Appellants Accelebrate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool [19-20828] (DMS) [Entered: 01/27/2020 03:12 PM]
02/28/2020	<input type="checkbox"/> 	RECORD EXCERPTS FILED. # of Copies Provided: 0 Paper Copies of Record Excerpts due on 03/09/2020 for Appellants Accelebrate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool. [19-20828] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: RECORD EXCERPTS FILED by Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool. Date of service: 02/28/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellant: Najvar [19-20828] (Jerad Wayne Najvar) [Entered: 02/28/2020 08:43 PM]
02/28/2020	<input type="checkbox"/> 	APPELLANT'S BRIEF FILED # of Copies Provided: 0 A/Pet's Brief deadline satisfied. Appellee's Brief due on 03/30/2020 for Appellees City of Houston and Anna Russell. Paper Copies of Brief due on 03/09/2020 for Appellants Accelebrate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool. [19-20828] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLANT'S BRIEF FILED by Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool. Date of service: 02/28/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellant: Najvar [19-20828] (Jerad Wayne Najvar) [Entered: 02/28/2020 11:48 PM]
03/04/2020	<input type="checkbox"/> 	APPEARANCE FORM for the court's review. Lead Counsel? No. [19-20828] (Austin M.B. Whatley) [Entered: 03/04/2020 01:40 PM]
03/05/2020	<input type="checkbox"/>	APPEARANCE FORM FILED by Attorney(s) Austin M.B. Whatley for party(s) Appellant Trenton Donn Pool

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Appellant Accelelate2020, L.L.C. Appellant Joe Richard Pool III, in case 19-20828 [19-20828] (DMS) [Entered: 03/05/2020 08:28 AM]


03/12/2020 ☐ Paper copies of Appellant Brief filed by Appellants Mr. Joe Richard Pool, III, Mr. Trenton Donn Pool and Accelelate2020, L.L.C. in 19-20828 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [19-20828] (DMS) [Entered: 03/12/2020 02:38 PM]


03/12/2020 ☐ Paper copies of Record Excerpts filed by Appellants Mr. Joe Richard Pool, III, Mr. Trenton Donn Pool and Accelelate2020, L.L.C. in 19-20828 received. Paper copies match electronic version of document? No # of Copies Provided: 4. Paper Copies of Record Excerpts due deadline satisfied. [19-20828] (DMS) [Entered: 03/12/2020 02:39 PM]


03/24/2020 ☐  UNOPPOSED LEVEL 1 EXTENSION REQUESTED by Appellees City of Houston and Ms. Anna Russell for filing Brief of Appellees until 04/29/2020 [19-20828] (Collyn Ann Peddie) [Entered: 03/24/2020 12:35 PM]
2 pg, 73.88 KB

03/24/2020 ☐ EXTENSION RECEIVED for Appellees City of Houston and Ms. Anna Russell. Extension Granted to and including 04/29/2020. E/Res's Brief deadline updated to 04/29/2020 for Appellees City of Houston and Anna Russell [19-20828] (JMW) [Entered: 03/24/2020 01:48 PM]

04/17/2020 ☐  SUFFICIENT APPELLEE'S BRIEF FILED # of Copies Provided: 0 Sufficient Brief deadline satisfied. Reply Brief due on 05/08/2020 for Appellants Accelelate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool [19-20828]
70 pg, 699.25 KB
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED Additionally the Brief requires the system advise it is over the word count limitation. Instructions to Attorney: PLEASE READ THE ATTACHED NOTICE FOR INSTRUCTIONS ON HOW TO REMEDY THE DEFAULT. E/Res's Brief deadline satisfied. Sufficient Brief due on 05/04/2020 for Appellees City of Houston and Anna Russell. [19-20828] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLEE'S BRIEF FILED by City of Houston and Ms. Anna Russell. Date of service: 04/17/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Collyn Ann Peddie) [Entered: 04/17/2020 03:07 PM]


04/22/2020 ☐  PROPOSED SUFFICIENT BRIEF filed by Appellees City of Houston and Ms. Anna Russell [\[9295945-2\]](#)
68 pg, 346.15 KB
Date of service: 04/22/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Collyn Ann Peddie) [Entered: 04/22/2020 10:08 AM]

05/08/2020 ☐  APPELLANT'S REPLY BRIEF FILED # of Copies Provided: 0
36 pg, 349.46 KB
Reply Brief deadline satisfied [19-20828]
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: APPELLANT'S REPLY BRIEF FILED by Accelelate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool. Date of service: 05/08/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Jerad Wayne Najvar) [Entered: 05/08/2020 11:55 PM]

07/17/2020 ☐  PAPER COPIES REQUESTED for the Appellant Reply Brief filed by Appellants Mr. Joe Richard Pool, III, Mr. Trenton Donn Pool and Accelelate2020, L.L.C. in 19-20828 [\[9310054-2\]](#), Appellee Brief filed by Appellees Ms. Anna Russell and City of Houston in 19-20828 [\[9295945-2\]](#). Paper Copies of Brief due on 07/22/2020 for Appellants Accelelate2020, L.L.C., Joe Richard Pool III and Trenton Donn Pool and Appellees City of Houston and Anna Russell. [19-20828] (SDH) [Entered: 07/17/2020 08:10 AM]
1 pg, 75.88 KB


07/22/2020 ☐ Paper copies of Appellant Reply Brief filed by Appellants Mr. Joe Richard Pool, III, Mr. Trenton Donn Pool and Accelelate2020, L.L.C. in 19-20828 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [19-20828] (DMS) [Entered: 07/23/2020 12:03 PM]











07/24/2020 ☐ Paper copies of Appellee Brief filed by Appellees Ms. Anna Russell and City of Houston in 19-20828 received. Paper copies match electronic version of document? Yes # of Copies Provided: 7. Paper Copies of Brief due deadline satisfied. [19-20828] (CAS) [Entered: 07/28/2020 03:56 PM]

08/05/2020 ☐  CASE TENTATIVELY calendared for oral argument for the week of 10/05/2020. [19-20828] (GAM)
1 pg, 83.15 KB
[Entered: 08/05/2020 08:27 AM]





08/28/2020 ☐ CASE CALENDARED for oral argument on Wednesday, 10/07/2020 in New Orleans in the East Courtroom -- PM session. In accordance with our policy, lead counsel only will receive via email at a later date a copy of the court's docket and an acknowledgment form. All other counsel of record should monitor the court's website for the posting of the oral argument calendars.. [19-20828] (PFT) [Entered: 08/28/2020 12:05 PM]

10/07/2020 ☐ ORAL ARGUMENT HEARD before Judges Graves, Costa, Engelhardt. Arguing Person Information Updated for: Jerad Wayne Najvar arguing for Appellant L.L.C. Accelelate2020, Appellant Joe Richard Pool, III; Arguing Person Information Updated for: Collyn Ann Peddie arguing for Appellee City of Houston [19-20828] (PFT) [Entered: 10/07/2020 02:10 PM]

10/23/2020 ☐  PUBLISHED OPINION FILED. [19-20828 Reversed] Judge: JEG, Judge: GJC, Judge: KDE. Mandate issue date is 11/16/2020 [19-20828] (This opinion includes URL material that is archived by the Fifth Circuit)
13 pg, 406.43 KB

- Court of Appeals Library, and made available at <http://www.lb5.uscourts.gov/ArchivedURLS/>.) (CCR) [Entered: 10/23/2020 12:08 PM]
- 10/23/2020 ☐  JUDGMENT ENTERED AND FILED. Costs Taxed Against: appellees. [19-20828] (CCR) [Entered: 10/23/2020 12:11 PM]
2 pg, 67.18 KB
- 11/05/2020 ☐  OPPOSED MOTION to extend the time to file a rehearing until 12/01/2020 [9437079-2] Mandate issue date canceled.. Case Management due on 11/12/2020 to reset mandate ddl if necessary when motion is ruled on. Date of service: 11/05/2020 [19-20828]
5 pg, 84.91 KB
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: OPPOSED MOTION filed by Appellees City of Houston and Ms. Anna Russell to extend the time to file a rehearing until 12/01/2020 [9437079-2]. Date of service: 11/05/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Collyn Ann Peddie) [Entered: 11/05/2020 05:02 PM]
- 11/10/2020 ☐  COURT ORDER granting Motion to extend the time to file a petition for rehearing filed by Appellees Ms. Anna Russell and City of Houston [9437079-2] until 12/01/2020 Case Management deadline satisfied.[19-20828] (CCR) [Entered: 11/10/2020 03:02 PM]
2 pg, 160.39 KB
- 11/25/2020 ☐  PETITION for rehearing [9450580-2] Sufficient Rehearing due on 12/07/2020 for Appellees City of Houston and Anna Russell. Document is insufficient for the following reasons: An opinion is not attached to the back of the rehearing. [19-20828]
36 pg, 648.46 KB
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: PETITION for rehearing [9450580-2] Mandate issue date canceled.. Document is insufficient for the following reasons: The attorney did not attach a copy of the opinion [19-20828] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: PETITION filed by Appellees City of Houston and Ms. Anna Russell for rehearing [9450580-2]. Date of Service: 11/25/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Collyn Ann Peddie) [Entered: 11/25/2020 02:48 PM]
- 11/30/2020 ☐ REHEARING MADE SUFFICIENT filed by Appellees Ms. Anna Russell and City of Houston in 19-20828 [9450580-2]. Sufficient Rehearing due deadline satisfied [19-20828] (DMS) [Entered: 11/30/2020 03:13 PM]
- 11/30/2020 ☐  DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the Rehearing received from Appellees City of Houston and Ms. Anna Russell because Attorney emailed the sufficient rehearing and also refiled the rehearing. I removed the 2nd rehearing from docket. [19-20828] (DMS) [Entered: 11/30/2020 03:17 PM]
35 pg, 653.8 KB
- 12/01/2020 ☐  SUFFICIENT PETITION for rehearing en banc [9452785-2]. Date of Service: 12/11/2020. Sufficient Rehearing due deadline satisfied. [19-20828]
37 pg, 353.65 KB
REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: PETITION filed by Appellees City of Houston and Ms. Anna Russell for rehearing en banc [9452785-2] Sufficient Rehearing due on 12/11/2020 for Appellees City of Houston and Anna Russell. Document is insufficient for the following reasons: Missing requirements, out of order [19-20828] REVIEWED AND/OR EDITED - The original text prior to review appeared as follows: PETITION filed by Appellees City of Houston and Ms. Anna Russell for rehearing en banc [9452785-2]. Date of Service: 12/01/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Collyn Ann Peddie) [Entered: 12/01/2020 11:37 AM]
- 12/11/2020 ☐ REHEARING MADE SUFFICIENT filed by Appellees Ms. Anna Russell and City of Houston in 19-20828 [9452785-2]. Sufficient Rehearing due deadline satisfied [19-20828] (CAG) [Entered: 12/14/2020 10:22 AM]
- 12/23/2020 ☐  COURT DIRECTIVE ISSUED requesting a response to the Petition for rehearing en banc filed by Appellees Ms. Anna Russell and City of Houston in 19-20828 [9452785-2] Response/Opposition due on 01/04/2021. [19-20828] (CAG) [Entered: 12/23/2020 11:34 AM]
1 pg, 75.46 KB
- 12/28/2020 ☐  DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the extension request for filing response received from Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool because a formal motion is required [19-20828] (SDH) [Entered: 12/29/2020 11:27 AM]
3 pg, 235.54 KB
- 12/29/2020 ☐  UNOPPOSED MOTION filed by Appellants Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool to extend the time to file a response to the Petition for rehearing en banc [9452785-2] filed by Appellees City of Houston, Ms. Anna Russell, City of Houston and Ms. Anna Russell until 01/11/2021 [9471509-2]. Date of service: 12/29/2020 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley [19-20828] (Jerad Wayne Najvar) [Entered: 12/29/2020 02:48 PM]
7 pg, 181.38 KB
- 12/31/2020 ☐  COURT ORDER GRANTING Appellants' motion to extend time to return a response or opposition to Appellees' petition for rehearing en banc seven (7) days, or to and including January 11, 2021. [9471509-2] [19-20828] (CAG) [Entered: 12/31/2020 02:53 PM]
2 pg, 123.66 KB
- 01/06/2021 ☐ RESPONSE DUE to Petition for rehearing en banc filed by Appellees Ms. Anna Russell and City of

Mtn for Fees Exh E

		Houston in 19-20828 [9452785-2], Petition for rehearing filed by Appellees Ms. Anna Russell and City of Houston in 19-20828 [9450580-2], Court Order Court directive requesting a response [9469158-2]Response/Opposition due on 01/11/2021Response/Opposition deadline updated to 01/11/2021 [19-20828] (CAG) [Entered: 01/06/2021 02:51 PM]
01/11/2021	 24 pg, 297.69 KB	RESPONSE/OPPOSITION filed by Accelebrate2020, L.L.C., Mr. Joe Richard Pool, III and Mr. Trenton Donn Pool [9479829-1] to the Petition for rehearing filed by Appellees City of Houston and Ms. Anna Russell [9450580-2] Date of Service: 01/11/2021 via email - Attorney for Appellees: Chauvin, Peddie; Attorney for Appellants: Najvar, Whatley. [19-20828] (Jerad Wayne Najvar) [Entered: 01/11/2021 11:51 PM]
01/21/2021	 18 pg, 204.39 KB	DOCUMENT RECEIVED - NO ACTION TAKEN. No action will be taken at this time on the reply to opposition to petition for rehearing en banc received from Appellees City of Houston and Ms. Anna Russell because no response may be filed to a petition for rehearing en banc unless the court orders same - see FRAP 35(e) [19-20828] (RLL) [Entered: 01/21/2021 03:07 PM]
02/01/2021	 3 pg, 93.58 KB	COURT ORDER denying Petition for rehearing en banc filed by Appellees Ms. Anna Russell and City of Houston [9452785-2] Without Poll; denying Petition for rehearing filed by Appellees Ms. Anna Russell and City of Houston, Mandate issue date is 02/09/2021 [9494498-1] [19-20828] [9450580-2] [19-20828] (RLL) [Entered: 02/01/2021 03:21 PM]
02/09/2021	 14 pg, 259.44 KB	MANDATE ISSUED. Mandate issue date satisfied. [19-20828] (RLL) [Entered: 02/09/2021 08:15 AM]

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